

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACK C. CHILINGIRIAN,
Petitioner,

vs.

CIVIL DOCKET NO. 05-10005-RCL

DAVID L. WINN, Warden
Federal Medical Center, Devens
Respondent.

HON. REGINALD C. LINDSAY, USDJ

**MOTION TO ALLOW PETITIONER TO EFFECT
SERVICE OF PROCESS PURSUANT TO FRCP 4**

NOW COMES the above named Petitioner, **JACK C. CHILINGIRIAN**, Pro Se and hereby files the above captioned Motion to Allow Petitioner to Effect Service of Process Pursuant to FRCP 4 and in support states as follows:

1. Petitioner commenced the above entitled action on January 3, 2005, which was filed pursuant to 28 USC §2241 and §2243.

2. The action has been commenced by the Petitioner seeking relief for good time credits as an inmate at the Federal Medical Center at Camp Devens in Ayer, Massachusetts.

3. Pursuant to FRCP 4(c)(2) service of the original Petition may be accomplished by any person, not a party who is at least 18 years of age.

4. The Respondent is an employee of the Bureau of Prisons (BOP), an agency of the United States and pursuant to the requirements of FRCP 4(i)(1), the Petitioner is required to effectuate service upon the office of the United States Attorney located in Boston, Massachusetts, upon the Attorney General of the United States in Washington, D.C. as well as upon the Respondent Warden, by certified mail/return receipt requested.

5. The Petitioner, at the time of the filing of the original request for relief pursuant to 28 USC §2241 and §2243 requested that he be permitted to serve the original Petition by certified mail/return receipt requested in conformity with FRCP 4(i)(1).

6. The reason that Petitioner seeks to be allowed to effect service as recited in the instant Motion is that any delay may potentially moot the sought after relief if there is any lengthy delay in service of process.

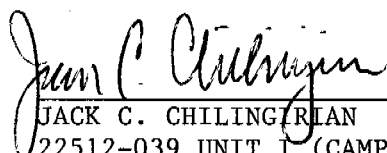
7. This request by the Petitioner to be allowed to effect service of process pursuant to FRCP 4(c)(2) and 4(i)(1) is reasonable under the circumstances and will not prejudice the Respondent since Notice of the Action is what is necessary for the matter to proceed to resolution.

8. Pursuant to the authority recited in the accompanying Memorandum of Law there is no justification in preventing a third party from effecting service upon the Respondent Warden, the Office of the U.S. Attorney in Boston, Massachusetts and upon the Attorney General of the United States in Washington, D.C. by certified mail/return receipt requested.

WHEREFORE, Petitioner respectfully requests that an Order be entered allowing the Petitioner to utilize a third party of suitable age to accomplish service of process pursuant to FRCP 4(i)(1).

DATED: JANUARY 11, 2005

RESPECTFULLY SUBMITTED,



JACK C. CHILINGIRIAN
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